

### **REMARKS/ARGUMENTS**

The Office Action has been carefully considered. Claims 1-4, 6-9, 11-14, 16-22, 24, 53-55, and 57-66 are currently pending. Claims 5, 10, 15, 23, 25-52, and 56 are now canceled. In the Office Action, the claims were evaluated in the following manner.

1. Claims 20-24, 64, 65, and 66 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.
2. Claims 1-4, 6-9, 11, 16-22, 24, and 57-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds' U.S. Patent No. 6,791,943 (*Reynolds*), in view of Yamato's U.S. Patent No. 6,094,431 (*Yamato*).
3. Claims 5, 10, 12-14, 23, 53-56, and 60-66 are objected to as being dependent on rejected base claims, but the Examiner indicated would be allowable is rewritten in independent form, including all the limitations of the base claims and any intervening claims.

#### **Allowable Subject Matter**

Applicant respectfully thanks the Office, upon full consideration of Applicant's previous amendments and remarks, for identifying allowable subject matter in item 4 on page 6. More specifically, the Office Action indicates that Claims 5, 10, 12-14, 23, 53-56, and 60-66 are objected to as being dependent on rejected base claims, but that the claims would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Accordingly, Applicant has rewritten Claims 12, 53, 60, and 64 into independent form as directed by the Office Action and they are now in immediate condition for allowance. Specifically, Claims 12, 53, 60, and 64 are no longer dependent on a rejected base claim as they are now in independent form incorporating all of the limitations of their respective base claims and any intervening claims. No new matter has been introduced as a result of these amendments.

Moreover, Claims 5, 10, 23, and 56 have been canceled and all of their associated limitations, including any limitations introduced by their respective intervening claims, have been incorporated into their respective base claims (e.g., Claims 1, 6, 16, and 20). It is believed that no new matter has been introduced as a result of these amendments. As discussed further below, it is now believed that these rewritten base claims are also immediately allowable.

**35 U.S.C. § 101 Rejections**

Claims 20-24, 64, 65, and 66 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Office Action indicates in item 2 on page 2 that the rejected claims appear to potentially cover both “transitory” and “non-transitory” machine-readable medium. The Office’s suggested corrections to claims 20-24, 64, 65, and 66 have been made to include the “non-transitory” clarification in accordance with the aforementioned Office Action. It is believed that no new matter has been introduced as a result of these amendments. Accordingly, withdrawal of these objections is respectfully requested.

**35 U.S.C. § 103(a) Rejections**

Claims 1-4, 6-9, 11, 16-22, 24, and 57-59 were rejected under 35 U.S.C. § 103(a) in item 3 on page 4 as being unpatentable over *Reynolds*, in view of *Yamato*. Applicant respectfully asserts that the rejections are now moot in view of the amendments incorporating all of the limitations of selected allowable subject matter into the respective base independent claims. More specifically, Applicant has rewritten independent Claim 1 to incorporate all of the limitations of previously allowable Claim 5. Similarly, independent Claim 6 now incorporates all of the limitations of previously allowable Claim 10. Furthermore, independent Claim 16 now incorporates all of the limitations of previously allowable Claim 56. Additionally, independent Claim 20 now incorporates the previously discussed “non-transitory” clarification and all of the limitations of previously allowable Claim 23.

**Dependent Claims 2-4, 7-9, 11, 13, 14, 17-19, 21, 22, 24, 54, 55, 57-59, 61-63, 65, and 66**

MPEP §2143.03 clarifies that if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. (In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, dependent Claims 2-4 are now believed to be patentable because they all are ultimately dependent on Claim 1, which was previously shown to be nonobvious. Dependent Claims 7-9 and 11 are also believed to be patentable as well because they all are ultimately dependent on nonobvious Claim 6. Dependent Claims 17-19 and 57-59 are also believed to be patentable as well because they all are ultimately dependent on nonobvious Claim 16. Dependent Claims 21, 22 and 24 are also believed to be patentable as well because they all are ultimately

dependent on nonobvious Claim 20. Dependent Claims 54 and 55 are also believed to be patentable as well because they all are ultimately dependent on nonobvious Claim 53.

Claims 2-4, 7-9, 11, 13, 14, 17-19, 21, 22, 24, 54, 55, and 57-59 are therefore believed to be patentable over the cited art. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103(a) to the Claims 2-4, 7-9, 11, 13, 14, 17-19, 21, 22, 24, 54, 55, and 57-59 are respectfully requested.

**Dependent Claims 13, 14, 61-63, 65, and 66**

Dependent Claims 13-14, 61-63 and 65-66 were previously allowable, but were also dependent upon a rejected base claim. The base claims for each of these claims are now immediately allowable. More specifically, dependent Claims 13 and 14 are now dependent on rewritten independent Claim 12 and are believed to be immediately allowable. Dependent Claims 61-63 are now dependent on rewritten independent Claim 60 and as such are now also believed to be immediately allowable. Dependent Claims 65 and 66 are now dependent on rewritten independent Claim 64 and are also believed to be immediately allowable.

## CONCLUSION

The proposed amendments are based solely on subject matter previously identified by the Office as allowable and place all pending claims in condition for immediate allowance. It is also believed that no new matter has been introduced as a result of these amendments. Accordingly, Applicants respectfully request entry of the amendments and issuance of a notice of allowance.

For at least the reasons above, Applicants respectfully submit that all pending claims are allowable and request that the Examiner permit these claims to proceed to issuance. Although additional arguments are believed to exist for distinguishing the cited documents, the arguments presented are believed sufficient to address the Examiner's rejections. Likewise, failure of the Applicants to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing arguments, and it is therefore not believed necessary to respond to every position taken by the Examiner with which Applicants do not agree.

The Examiner is respectfully requested to contact the undersigned at the telephone number below if there are any remaining questions regarding this application.

We believe the appropriate fees accompany this transmission. If, however, insufficient fee payment or fee overpayment occurs, the amount may be withdrawn or deposited from/to ÆON Law's deposit account. The deposit account number is 50-4051.

Respectfully submitted,  
ÆON LAW GROUP

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